

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

UNITED STATES OF AMERICA)
v.) Cr. No. 18-CR-00127-1-LM
AHMAD KHAWAJA)
_____)

DEFENDANT'S SUPPLEMENTAL MEMORANDUM IN SUPPORT OF MOTION
TO REDUCE TERM OF IMPRISONMENT PURSUANT TO 18 U.S.C. §
3582(c)(1)(A)

NOW COMES the Defendant, Ahmad Khawaja, by and through his counsel, Wilson, Bush & Keefe, P.C. (“the Defendant”), and hereby respectfully submits the within memorandum in support of his request that this Honorable Court reduce his term of imprisonment and order him to be placed on probation or supervised release accompanied with home confinement due to the current COVID-19 crisis at FCI Danbury and the Defendant’s own personal circumstances. In support thereof, the Defendant submits the following:

Factual Background

1. The Defendant herein incorporates the factual background previously provided to the Court.
2. Since the filing of his prior motion, the Defendant has been seen by medical services at FCI Danbury. As reflected in those records that have been provided to the Court and the government, the medical services people at FCI Danbury have diagnosed Mr. Khawaja with Asthma.

Legal Argument

3. The Defendant hereby reincorporates all of his prior legal arguments made in his motion.

4. Additionally, the Defendant herein cites the following courts that have granted compassionate release to inmates who have been diagnosed with Asthma considering the associated danger to someone suffering from Asthma contracting COVID-19: *United States v. Schneider*, No. 3:14-cr-30036-SEM-TSH-1, 2020 WL 2556354 (C.D. Ill. May 20, 2020); *United States v. Doshi*, No. 2:13-cr-20349-AJT-LJM-1, 2020 WL 2556794 (E.D. Mich. May 20, 2020); *United States v. Bright*, No. 2:15-cr-00015-JPJ-PMS-5, 2020 WL 2537508 (W.D. Va. May 19, 2020); *United States v. Schafer*, No. 6:18-cr-06152-EAW-1, 2020 WL 2519726 (W.D. N.Y. May 18, 2020); *United States v. Lee*, No. 19-CR-00419-SI-1, 2020 WL 2512415 (N.D. Cal. May 15, 2020); *United States v. Brooks*, No. 07-CR-20047-JES-DGB, 2020 WL 2509107 (C.D. Ill. May 15, 2020); *United States v. Young*, No. CR 4:16-40036-TSH, 2020 WL 2514673 (D. Mass. May 15, 2020); *United States v. Ennis*, No. 3:02-cr-01430-PRM-1, 2020 WL 2513109 (W.D. Tex. May 14, 2020); *United States v. Cassidy*, No. 1:17-cr-00116-WMS-MJR, 2020 WL 2465078 (W.D.N.Y. May 13, 2020); *United States v. Hunt*, No. 2:18-cr-20037-DPH-DRG, 2020 WL 2395222 (E.D. Mich. May 12, 2020); *United States v. Simpson*, No. 3:11-cr-00832-SI-3, 2020 WL 2323055 (N.D. Cal. May 11, 2020); *United States v. Amarrah*, No. 5:17-cr-20464-JEL-EAS-1, 2020 WL 2220008 (E.D. Mich. May 7, 2020); *United States v. Echevarria*, No. 3:17-cr-00044-MPS-1, 2020 WL 2113604 (D. Conn. May 4, 2020); *United States v. Ardila*, No. 3:03-cr-00264-SRU-1, 2020 WL 2097736 (D. Conn. May 1, 2020); *United States v. Brown*, No. 4:05-cr-00227-RP-CFB-1, 2020 WL 2091802 (S.D. Iowa Apr. 29, 2020); *United States v. Bertrand*, No. 3:00-cr-00012-LC-1,

2020 WL 2179387 (N.D. Fla. Apr. 29, 2020); *United States v. Harper*, No. 7:18-cr-00025-EKD-JCH-1, 2020 WL 2046381 (W.D. Va. Apr. 28, 2020); *United States v. Handy*, No. 8:04-cr-00559-PJM-7, 2020 WL 2041666 (D. Md. Apr. 28, 2020); *United States v. Gorai*, No. 2:18-cr-00220-JCM-CWH-1, 2020 WL 1975372 (D. Nev. Apr. 24, 2020); *United States v. Park*, No. 1:16-cr-00473-RA-1, 2020 WL 1970603 (S.D. N.Y. Apr. 24, 2020); *United States v. Williams*, No. 3:17-CR-121-(VAB)-1, 2020 WL 1974372 (D. Conn. Apr. 24, 2020); *United States v. Tillman*, No. 1:07-cr-00197-PLM-1, 2020 WL 1950835 (W.D. Mich. Apr. 23, 2020); *United States v. Suarez*, No. 1:18-cr-20175-MGC-1, Dkt. No. 180 (S.D. Fla. Apr. 20, 2020); *United States v. Gileno*, No. 3:19-cr-161-(VAB)-1, 2020 WL 1904666 (D. Conn. Apr. 17, 2020); *United States v. Samy*, No. 2:16-cr-20610-AJT-DRG-1, 2020 WL 1888842 (E.D. Mich. Apr. 16, 2020); *United States v. Wen*, No. 6:17-CR-06173 EAW, 2020 WL 1845104 (W.D. N.Y. Apr. 13, 2020); *United States v. Smith*, No. 1:12-cr-00133-JFK-1, 2020 WL 1849748 (S.D.N.Y. Apr. 13, 2020); *United States v. Ben-Yhwh*, No. CR 15-00830 LEK, 2020 WL 1874125 (D. Haw. Apr. 13, 2020); *United States v. Burrill*, No. 17-CR-00491-RS-2, 2e (N.D. Cal. Apr. 10, 2020); *United States v. Tran*, No. 8:08-cr-00197-DOC-1, 2020 WL 1820520 (C.D. Cal. Apr. 10, 2020); *United States v. McCarthy*, No. 3:17-cr-00230-JCH-1, 2020 WL 1698732 (D. Conn. Apr. 8, 2020); *United States v. Ghorbani*, No. 18-cr-255-PLF (D.D.C. Apr. 3, 2020); *United States v. Hernandez*, No. 1:18-cr-00834-PAE-4, 2020 WL 1684062 (S.D. N.Y. Apr. 2, 2020); *United States v. Powell*, No. 1:94-cr-316-ESH, 2020 WL 1698194 (D.D.C. Mar. 28, 2020); *United States v. Bertrand*, No. 3:00CR12/LAC, 2020 WL 2179387, at *1 (N.D. Fla. Apr. 29, 2020) ("Defendant states that he is 71 years old and shows that he suffers or suffered from multiple, serious health conditions, including prostate cancer,

a pulmonary embolism, diabetes with two related eye surgeries, chronic kidney disease, asthma and hypertension.")

5. The CDC says that moderate to severe asthma for all people—whether they have their asthma under control or not—may put them at higher risk for severe illness from COVID-19. See Centers for Disease Control, At Risk for Severe Illness, <https://www.cdc.gov/coronavirus/2019-ncov/need-extraprecautions/groups-at-higher-risk.html> (last visited May 12, 2020). The CDC then recommends actions for such people to take, like keeping “your asthma under control,” knowing “how to use your inhaler,” following “your Asthma Action Plan,” and, if possible, having “another member of your household who doesn’t have asthma clean and disinfect your house for you.” Id.

6. The Defendant reincorporates his prior prayers for relief.

Finally, the defense requests any such other relief as may be deemed just and equitable.

Respectfully submitted,

Ahmad Khawaja
By and through his counsel,

DATED: July 22, 2020

/s/Charles J. Keefe
Charles J. Keefe (N.H. Bar No. 14209)
Wilson, Bush & Keefe, P.C.
378 Main Street
Nashua, NH 03060
(603) 595-0007
keefe@wbdklaw.com

Certificate of Service

I, Charles J. Keefe, hereby certify that true copies of the above document were delivered to AUSA John Davis and the United States Probation Office.

/s/Charles J. Keefe
Charles J. Keefe